

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PROPET USA, INC.,)	CASE NO. C06-186-MAT
)	
Plaintiff,)	SECOND
)	AMENDED
v.)	ORDER SETTING TRIAL DATE AND
)	PRETRIAL SCHEDULE
LLOYD SHUGART,)	
)	
Defendant.)	

The Court, having reviewed the Joint Status Report as submitted by the parties in this case, hereby amends the trial date and pretrial schedule as follows:

	DATES
FIVE DAY JURY TRIAL SET FOR 9:30 a.m. on	September 24, 2007
Deadline for joining additional parties	N/A
Reports of expert witnesses under FRCP 26(a)(2) DUE	N/A
All motions related to discovery must be FILED by and noted on the motion calendar no later than the third Friday thereafter (<u>see</u> CR7(d))	May 2, 2007
Discovery to be COMPLETED by	May 16, 2007
All dispositive motions must be FILED by and noted on the motion calendar no later than the fourth Friday thereafter (<u>see</u> CR 7(d))	June 18, 2007
Settlement conference per CR 39.1(c)(2) HELD no later than	July 16, 2007
Mediation per CR 39.1(c)(3) HELD no later than	August 20, 2007

DATES

All motions in limine must be FILED by this date and noted on the motion calendar no later than the second Friday after filing

August 24, 2007

Agreed pretrial order DUE

September 12, 2007

Trial briefs, proposed voir dire questions, proposed jury instructions and trial exhibits DUE (see below)

September 17, 2007

Counsel are to confer and indicate with their submissions which exhibits are agreed to by both sides. Proposed Jury Instructions shall conform to the Local Rule CR51. Counsel are requested to furnish the Court with a copy of the un-cited Jury Instructions on computer disc, preferably in Word Perfect format.

Pretrial conference scheduled in chambers
COUNSEL WITH PRINCIPAL TRIAL RESPONSIBILITY
MUST ATTEND

September 19, 2007
@ 8:30 a.m.

The dates set forth in this order are firm dates that can be changed only by order of the Court, not by agreement of counsel for the parties. The Court will alter these dates only upon good cause shown. Failure to complete discovery within the time allowed is not recognized as good cause. These dates are set at the direction of the Court after reviewing the joint status report and discovery plan submitted by the parties. All other dates are specified in the Local Civil Rules. If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day.

If the trial date assigned to this matter creates an irreconcilable conflict, counsel must notify Deputy Clerk Judy Thomas in writing within 10 days of the date of this Order and must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be understood that the trial may have to await the completion of other cases.

COOPERATION

As required by CR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel are further directed to cooperate in preparing the final pretrial order in the format required by CR 16.1, except as ordered below.

EXHIBITS

The original and one copy of the trial exhibits are to be delivered to Judge Theiler's chambers five days before the trial date. Each exhibit shall be clearly marked. The Court hereby alters the CR 16.1 procedure for numbering exhibits: plaintiff(s)' exhibits shall be numbered consecutively beginning with 1; defendant(s)' exhibits shall be numbered consecutively beginning with the next number not used by plaintiff. Duplicate documents shall not be listed twice. Once a party has identified an exhibit in the pretrial order, it may be used by any party. Each set of exhibits shall be submitted in a three-ring binder with appropriately-numbered tabs.

SETTLEMENT

If this case settles, plaintiff(s)' counsel shall notify Judy Thomas at (206) 370-8420 or via email at Judy_Thomas@wawd.uscourts.gov as soon as possible. Pursuant to GR 3(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

The Clerk is directed to send copies of this Order to all parties of record.

DATED this 16th day of March, 2007.

A handwritten signature in black ink, appearing to read 'Mary Alice Theiler', written over a horizontal line.

Mary Alice Theiler
U.S. Magistrate Judge